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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

application of

Jean-Marc PARDONGE

Appln. No.: 10/527,197

Confirmation No.: Unknown

Filed: March 10, 2005

For: FLUID PRODUCT DISPENSING VALVE AND FLUID PRODUCT DISPENSING
DEVICE COMPRISING SAME

Docket No: Q86513

National Stage of: PCT/FR2003/002180

Group Art Unit: Unknown

Examiner: Unknown

**SUBMISSION OF ENGLISH TRANSLATION OF INTERNATIONAL
PRELIMINARY EXAMINATION REPORT**

MAIL STOP PCT

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Submitted herewith please find an English translation of the International Preliminary
Examination Report issued in the international stage of this case.

Respectfully submitted,

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Date: August 9, 2005

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Référence du dossier du déposant ou du mandataire VALS 865 B PCT	
Demande internationale n° PCT/FR2003/002180	Date du dépôt international (<i>jour/mois/année</i>) 10 juillet 2003 (10.07.2003)
Déposant VALOIS SAS etc	

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Translation

PATENT COOPERATION TREATY

PCT/FR2003/002180



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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference VALS 865 B PCT	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/FR2003/002180	International filing date (day/month/year) 10 juillet 2003 (10.07.2003)	Priority date (day/month/year) 10 septembre 2002 (10.09.2002)
International Patent Classification (IPC) or national classification and IPC A61M 15/00		
Applicant VALOIS SAS		

<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>4</u> sheets, including this cover sheet.</p> <p><input checked="" type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of <u>1</u> sheets.</p>	
<p>3. This report contains indications relating to the following items:</p> <p>I <input checked="" type="checkbox"/> Basis of the report</p> <p>II <input type="checkbox"/> Priority</p> <p>III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p>IV <input type="checkbox"/> Lack of unity of invention</p> <p>V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p>VI <input type="checkbox"/> Certain documents cited</p> <p>VII <input type="checkbox"/> Certain defects in the international application</p> <p>VIII <input type="checkbox"/> Certain observations on the international application</p>	

Date of submission of the demand 08 avril 2004 (08.04.2004)	Date of completion of this report 25 November 2004 (25.11.2004)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/FR2003/002180

I. Basis of the report

1. With regard to the elements of the international application:*

- ☒ the international application as originally filed
- ☒ the description:
 pages 1-7, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☒ the claims:
 pages _____, as originally filed
 pages _____, as amended (together with any statement under Article 19
 pages _____, filed with the demand
 pages 1-15, filed with the letter of 08 October 2004 (08.10.2004)
- ☒ the drawings:
 pages 1/3-3/3, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☐ the sequence listing part of the description:
 pages _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/fig _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/FR 03/02180

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims		YES
	Claims	1, 2, 9, 11, 13-15	NO
Inventive step (IS)	Claims		YES
	Claims	1-15	NO
Industrial applicability (IA)	Claims	1-15	YES
	Claims		NO

2. Citations and explanations

V

- The dispenser of document D2 (WO-A-02/49 569) comprises a valve body 1 and a valve 7 sliding between a rest position and a dispensing position; said valve is made in two portions, an outer portion extending partially outside the valve body 1 and an inner portion sliding inside the valve body; said two portions are fastened together and each may be made of a metal, i.e. a thermally conductive material (see in particular figure 1, claim 8 and pages 28 and 29 of the description of D2). The fact that the material forming the outer portion of the valve is thermally conductive is sufficient for it to constitute thermal control means for restricting the cooling of the valve when fluid is dispensed, within the meaning defined in claim 1 of the application in question.

The dispenser of D1 (WO-A-01/89 616) is similar to that of D2.

Within the meaning of PCT Article 33(2), the subject matter of claim 1 is therefore not novel over D1 or

D2.

2. The features of claims 2, 9, 11 and 13 to 15 are known especially from D2. The fins of claims 3 to 8 are known *per se* in the technical field of dispensers, as can be seen from D3 (JP-A-53 096 516) and D10 (WO-A-01/96 210) in particular, and the production thereof is obvious to a person skilled in the art seeking to improve the thermal control means. The features of remaining claims 10 and 12 are unremarkable and devoid of an inventive step.

The subject matter of claims 2 to 15 is therefore neither novel nor inventive within the meaning of PCT Article 33(2) and (3).

VII

The description should cite and briefly present the most relevant documents and be made consistent with any new claims (PCT Rule 5.1(a)(ii) and (iii)).

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